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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,380	04/28/2000	Vesa Tervo	460-009368-US (PAR)	3782

7590

01/02/2003

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EXAMINER

LEE, JOHN J.

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,380

Applicant(s)

TERVO ET AL.

Examiner

JOHN J LEE

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-30, 37-45, 47-55 and 58 is/are rejected.
- 7) ☒ Claim(s) 7-12, 31-36, 46 and 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. **Claims 1-4, 6, 13-29, 37-44, 47-55, and 58** are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips (US Patent number 6,188,898).

Regarding **claim 1**, Phillips discloses that a method for storing and informing at least one property (adapting to service mobile terminals having different operating protocols) of a wireless communication device (13 in Fig. 1) to a mobile communication network (Fig. 1) (Fig. 1, 2 and abstract), in which information for identifying said wireless communication device (13 in Fig. 1) in the mobile communication network (Fig. 1) is stored in the wireless communication device (13 in Fig. 1) and information relating to at least one property (adapting to service mobile terminals having different operating protocols) of said wireless communication device (13 in Fig. 1) is stored in said wireless communication device, and transmitted from said wireless communication device to the mobile communication network (see column 3, lines 36 – 55), wherein an information element (mobile operating protocol) for storing said information for identifying said wireless communication device (13 in Fig. 1) and said information relating to at least one property of the wireless communication device is formed in the wireless communication device (abstract, Fig. 1, 2, and column 2, lines 64 – column 4, lines 27). More

specifically, Phillips teaches that the network includes multimode base stations each capable of operating selectively in at least some of said operating protocols and each having means for a mobile terminal so as to determine that terminal's operating protocol (abstract). If without informing own protocol information during the initiating communication time, the mobile network could not operate the service for a mobile station. Therefore, the protocol is being employed by the requesting mobile terminal (see column 3, lines 36 – 55).

Regarding **claim 2**, Phillips discloses that the information relating to at least one property of the wireless communication device is transmitted from said wireless communication device to the communication network in connection with registration of said wireless communication device to the mobile communication network (abstract, Fig. 1, 2, and column 2, lines 64 – column 4, lines 27).

Regarding **claim 3**, Phillips discloses that the information relating to at least one property of the wireless communication device is transmitted from said wireless communication device to the communication network prior to a call being set-up with said wireless communication device (abstract, Fig. 1, 2, and column 3, lines 11 – column 4, lines 27).

Regarding **claim 4**, Phillips discloses that the information relating to at least one property of the wireless communication device is checked to determine if it is appropriate for the type of call during call set-up with said wireless communication device, wherein a call is not established if the information relating to at least one property of the wireless

communication device is not appropriate for the type of call (abstract, Fig. 1, 2, and column 3, lines 11 – column 4, lines 27).

Regarding **claim 6**, Phillips discloses that the information relating to at least one property of the wireless communication device is transmitted to a mobile service-switching center of the mobile communication network, or a serving GPRS support node (abstract, Fig. 1, 2, and column 3, lines 11 – column 4, lines 27).

Regarding **claim 13**, Phillips discloses that the information relating to at least one property of the wireless communication device transmitted from said wireless communication device is stored at least in the mobile services switching center of the mobile communication network (Fig. 1, 2 and column 3, lines 11 – column 4, lines 27).

Regarding **claim 14**, Phillips discloses that the information relating to at least one property of the wireless communication device is stored temporarily in the mobile communication network (Fig. 1, 2 and column 3, lines 11 – column 4, lines 27).

Regarding **claim 15**, Phillips discloses that the wireless communication device comprises a mobile phone (Fig. 1, 2 and column 3, lines 11 – column 4, lines 27).

Regarding **claim 16**, Phillips discloses that the wireless communication device comprises a Communicator (Fig. 1, 2 and column 1, lines 10 – 44).

Regarding **claim 17**, Phillips discloses that the wireless communication device comprises a radio card (Fig. 1, 2 and column 1, lines 10 – 44).

Regarding **claim 18**, Phillips discloses that the information relating to at least one property of the wireless communication device contains information about the hardware

properties of the wireless communication device (Fig. 1, 2 and column 1, lines 65 – column 2, lines 23).

Regarding **claim 19**, Phillips discloses that the information relating to at least one property of the wireless communication device contains information about the software properties of the wireless communication device (Fig. 1, 2 and column 3, lines 41 – column 4, lines 27).

Regarding **claim 20**, Phillips discloses that the information relating to at least one property of the wireless communication device contains information about at least one preference of the user of the wireless communication device (Fig. 1, 2 and column 2, lines 64 – column 4, lines 27).

Regarding **claim 21**, Phillips discloses that modification of the information relating to at least one property of the wireless communication device by the user of the wireless communication device is prevented (Fig. 1, 2 and column 3, lines 36 – 64).

Regarding **claim 22**, Phillips discloses that steps for establishing a call for transmitting information from a first communication device to a second communication device, wherein said second communication device is a wireless communication device, and the information is optimized for use by the second communication device, by using the information relating to at least one property of the wireless communication device (Fig. 1, 2 and column 2, lines 64 – column 4, lines 27).

Regarding **claim 23**, Phillips discloses that steps for performing communication between the mobile communication network and another communication device, wherein the information relating to at least one property of the wireless communication device is

transmitted to another communication device (Fig. 1, 2 and column 2, lines 64 – column 4, lines 27).

Regarding **claim 24**, Phillips discloses that steps for performing communication between the communication network and another communication network, wherein the information relating to at least one property of the wireless communication device is transmitted to another communication network (Fig. 1, 2, column 2, lines 64 – column 3, lines 28 and column 4, lines 34 – column 5, lines 35).

Regarding **claim 25**, Phillips discloses that information is transmitted from a first communication device to a second communication device, wherein said second communication device is a wireless communication device, and information to be transmitted is converted into a format suitable for the second wireless communication device in the first communication device (Fig. 1, 2 and column 2, lines 64 – column 4, lines 27).

Regarding **claim 26**, Phillips discloses that information is transmitted from a first communication device to a second communication device, wherein said second communication device is a wireless communication device, and information to be transmitted is converted into a format suitable for the second wireless communication device in the communication network (Fig. 1, 2 and column 2, lines 64 – column 4, lines 27).

Regarding **claim 27**, Phillips discloses all the limitation, as discussed in claim 1. Furthermore, Phillips further discloses that means for storing the information relating to

at least one property of the wireless communication device (column 3, lines 11 – column 4, lines 27), and

means for transmitting the information relating to at least one property of the wireless communication device from the wireless communication device to said mobile communication network (Fig. 1, 2 and column 3, lines 65 – column 4, lines 27).

Regarding **claim 28**, Phillips discloses all the limitation, as discussed in claim 2.

Regarding **claim 29**, Phillips discloses all the limitation, as discussed in claim 3.

Regarding **claim 37**, Phillips discloses all the limitation, as discussed in claim 15.

Regarding **claim 38**, Phillips discloses all the limitation, as discussed in claim 16.

Regarding **claim 39**, Phillips discloses all the limitation, as discussed in claim 17.

Regarding **claim 40**, Phillips discloses all the limitation, as discussed in claim 25.

Regarding **claim 41**, Phillips discloses all the limitation, as discussed in claims 1 and 27.

Regarding **claim 42**, Phillips discloses all the limitation, as discussed in claim 2.

Regarding **claim 43**, Phillips discloses all the limitation, as discussed in claim 3.

Regarding **claim 44**, Phillips discloses all the limitation, as discussed in claim 4.

Regarding **claim 47**, Phillips discloses all the limitation, as discussed in claim 13.

Regarding **claim 48**, Phillips discloses all the limitation, as discussed in claim 13.

Regarding **claim 49**, Phillips discloses a register and wherein the information relating to at least one property of the wireless communication device is stored in said register (Fig. 1, 2 and column 3, lines 65 – column 4, lines 19).

Regarding **claim 50**, Phillips discloses all the limitation, as discussed in claim 23.

Regarding **claim 51**, Phillips discloses all the limitation, as discussed in claims 6 and 24.

Regarding **claim 52**, Phillips discloses all the limitation, as discussed in claim 22.

Regarding **claim 53**, Phillips discloses all the limitation, as discussed in claim 22.

Regarding **claim 54**, Phillips discloses all the limitation, as discussed in claim 22.

Regarding **claim 55**, Phillips discloses all the limitation, as discussed in claim 26.

Regarding **claim 58**, Phillips discloses all the limitation, as discussed in claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5, 30, and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips in view of Kuriki (US Patent number 5765105).

Regarding **claim 5**, Phillips discloses all the limitation, as discussed claim 3. However, Phillips does not specifically disclose the limitation “a handover”. However, Kuriki discloses “a handover” (column 3, lines 35 – 55). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the Phillips system as taught by Kuriki. The motivation do so would be to provide quality of

reception signal in order to further improve connection reliability in mobile communication system.

Regarding **claim 30**, Phillips discloses all the limitation, as discussed claim 5.

Regarding **claim 45**, Phillips discloses all the limitation, as discussed claim 5.

Allowable Subject Matter

6. Claims 7 – 12, 31 – 36, 46, and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 7 – 12, 31 – 36, 46, and 59, the prior art fails to disclose “an International Mobile Station Equipment Identity (IMEI) is defined for said wireless communication device, and wherein the information relating to at least one property of the wireless communication device is stored in the IMEI” as specified in the claims 7 – 12, 31 – 36, 46, and 59.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Karapetkov et al. (US Patent number 6,351,648) discloses Method for Indicating That a Text Message is Present in a Message Central Module of a Mobile Radiotelephone Network.

Art Unit: 2682

Boltz (US Patent number 6,311,055) discloses Providing Restrictions on Mobile-
Originated Calls.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:


(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian
Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to
the status of this application should be directed to the Group receptionist whose telephone
number is (703) 305-4700.

J.L
December 26, 2002

John J Lee


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

12/30/02